

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

MICHAEL DENNIS MATHEWS,

Petitioner,

v.

DOUG WADDINGTON

Respondent.

Case No. C05-5670RBL

ORDER GRANTING MOTION
TO AMEND AND DIRECTING
SERVICE

This habeas corpus petition has been referred to the undersigned Magistrate Judge pursuant to Title 28 U.S.C. §§ 636(b)(1)(A) and 636 (b)(1)(B) and Local Magistrates' Rules MJR 3 and MJR 4. Petitioner seeks federal habeas corpus relief pursuant to 28 U.S.C. § 2254. (Dkt. # 4).

The original petition named only the State of Washington as a Respondent. Petitioner was ordered to amend the petition or file a motion to change the respondent to name a proper respondent. (Dkt. # 5). Petitioner has filed a motion to name Doug Waddington, superintendent of the Stafford Creek Corrections Center, as the respondent in this action. The motion is **GRANTED**.

It is proper to serve the petition and call for an answer at this point in the proceedings.

(1) The clerk shall arrange for service by certified mail upon respondent, a copy of the petition, of all documents in support thereof, and of this Order. All costs of service shall be

ORDER

1 advanced by the United States. The Clerk shall assemble the necessary documents to effect service.
2 The Clerk shall send petitioner a copy of this Order, the General Order.

3 (2) Within forty-five (45) days after such service, respondent shall file and serve an
4 answer in accordance with Rule 5 of the Rules Governing § 2254 Cases in United States District
5 Courts. As part of such answer, respondents should state whether petitioner has exhausted available
6 state remedies, whether an evidentiary hearing is necessary, and whether there is any issue of abuse
7 of delay under Rule 9. Respondent shall not file a dispositive motion in place of an answer without
8 first showing cause as to why an answer is inadequate. Respondent shall file the answer with the
9 Clerk of Court and serve a copy of the answer upon petitioner.

10 (3) The answer will be treated in accordance with Local Rule CR 7. Accordingly, upon
11 receipt of the Answer the Clerk will note the matter for consideration on the fourth Friday after the
12 answer is filed, petitioner may file and serve a response not later than on the Monday immediately
13 preceding the Friday appointed for consideration of the matter, and respondent may file and serve a
14 reply brief not later than on the Thursday immediately preceding the Friday designated for
15 consideration of the matter.

16
17
18 DATED this 15th day of December, 2005.

19
20
21 /S/ J. Kelley Arnold
22 J. Kelley Arnold
23 United States Magistrate Judge
24
25
26
27
28

ORDER